

1 HONORABLE RICHARD A. JONES
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12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON
14 AT SEATTLE
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17 Frank Rehder,

Plaintiff,

CASE NO. C14-cv-1242 RAJ

ORDER

v.
15 Tanya Rehder,

Defendant.

18 This matter comes before the court on Frank Rehder's petition for return of child
19 to the state of habitual residence. Dkt. # 1. The court hereby sets an initial hearing in this
20 matter for October 17, 2014 at 11:00 a.m.

21 Petitioner is the father of ARDR, a four-year-old boy. Respondent, Tanya Rehder,
22 is ARDR's mother. Petitioner resides in Germany, and contends that Respondent has
23 wrongfully removed ARDR from his state of habitual residence and is currently residing
24 with him in this District. Petitioner brings this petition for his son's return to Germany
25 pursuant to the International Child Abduction Remedies Act ("ICARA"), 22 U.S.C. §§
26 9001-9011, which implements the 1980 Hague Convention on the Civil Aspects of
27 International Child Abduction (the "Convention").

Both parties are represented by counsel. Respondent was personally served with the petition on August 13, 2014. Dkt. # 4. She filed her answer on September 3, 2014. Dkt. # 5. Respondent admits that their son was born in Germany. Dkt. # 5, ¶¶ 1, 11. She contends, however, that the United States is his habitual residence and that she and her son merely took a “temporary short trip” to Germany from November 15, 2013 to December 5, 2013. Dkt. # 5, ¶ 15. Neither party submitted any evidence in support of their contentions.

The court is obligated to resolve ICARA petitions on an expedited basis. Convention, Art. 11. It will do so in this case after the parties have had the opportunity to fully brief the matter and to present evidence supporting their respective positions. In the interim, the court issues the following order to preserve the status quo:

- 1) Pending resolution of the petition, Respondent Tanya Rehder is prohibited from transporting her son ARDR outside the Western District of Washington. *See 22 U.S.C. § 9004(a)* (authorizing measures to preserve the status quo pending resolution on merits).
- 2) On October 17, 2014, at 11:00 a.m., Respondent, along with counsel for both parties, shall appear before the undersigned judge for a preliminary hearing. Because Petitioner resides in Germany, he is not required to appear for the hearing. He may appear by telephone if his counsel makes appropriate arrangements with the court.
 - a. The purpose of the hearing shall be to establish the status of ARDR’s residence in this district, to determine a briefing schedule and procedure for a second hearing to resolve this matter on the merits, and to determine if any additional interim relief is necessary. The court does not intend to resolve the merits of the petition at this initial hearing.

- 1 b. At some time after the initial hearing, but as soon as reasonably
2 practicable, the court will hold a second hearing to resolve the merits of
3 the petition.
- 4) Nothing in this order shall be construed to prevent either party from moving
5 for emergency relief, including ex parte relief. Any such motion, however,
6 must demonstrate specific circumstances warranting extraordinary relief.

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8 Dated this 9th day of October, 2014.

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13 The Honorable Richard A. Jones
14 United States District Judge
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